



# Town of New Windsor

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Mark J. Edsall, P.E.  
Engineer for the Town

## OFFICE OF THE PLANNING BOARD

28 June 2007

David Larkin  
10 Cessna Drive  
Washingtonville, NY 10992

SUBJECT: PROPOSED SUBDIVISION OFF PIPER DRIVE

Dear Mr. Larkin:

We have reviewed your letter dated 12 April 2007 which outlines your desire to cause a subdivision which would create a separate lot to be accessed off Piper Drive. It is our understanding that the subject of the discussion is Lot 33.42.

A review of the current tax maps for the Town indicates the following tax lot numbers having access to Piper Drive, a private road within the Town:

<u>Lot No.</u>	<u>Owner</u>	<u>Status</u>
52-4-49	Miller	Single Family Residence
52-4-33.8	Miller	Vacant
52-4-33.7	Radford	Single Family Residence
52-4-33.6	Iraci	Single Family Residence
52-4-33.52	Langbein	Single Family Residence
52-4-33.42	Larkin	Single Family Residence
52-4-50	Race	Single Family Residence

For reference purposes, note that Section 252-25 (D) states that up to four residential lots or driveways may be accessed by a private road, with up to two additional lots or driveways if the same have the minimum frontage on a public road.

Also note that Section 252-25 (D)(1) states: "For purposes of determining use of a private road under this article, no distinction shall be made between developed or nondeveloped residential lots; lots in either condition shall be counted as a user of the private road."

Based on our review, there appears to be seven lots which have access to Piper Drive, such access as defined by the Town Code. It is my understanding that this count agrees with your April 12<sup>th</sup> letter, which indicates five lots, plus the two fronting on Toleman.

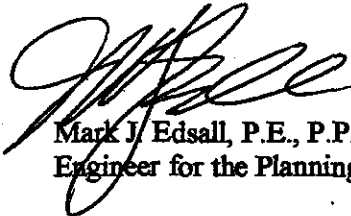
It is our understanding that you believe Lot 33.8 (which is a vacant lot) has a restrictive covenant prohibiting access to Piper Drive. If this is the case, we would need to have a verified copy of the deed reflecting that restriction, and then consider applicability of the restriction to Section 252 of the Town Code. It is also important that the form of the restriction be one that is permanent in nature. The Planning Board may wish to have this verified by contact with the effected property owner.

Notwithstanding that evaluation, it is equally important that you demonstrate that Lot 33.42 has the specific right by deed to use Piper Drive for access (in addition to the right to use Cessna Drive). If this right clearly pre-exists, the argument of lot count and the disposition of Lot 33.8 could potentially be "moot", since the Planning Board would not intend to diminish clear deeded rights of Lot 33.42 (your lot).

Please submit a verified copy of your deed indicating the right of Lot 33.42 to utilize both Cessna Drive and Piper Drive, and if possible, a copy of the specific deed restriction you referenced for Lot 33.8.

Very truly yours,

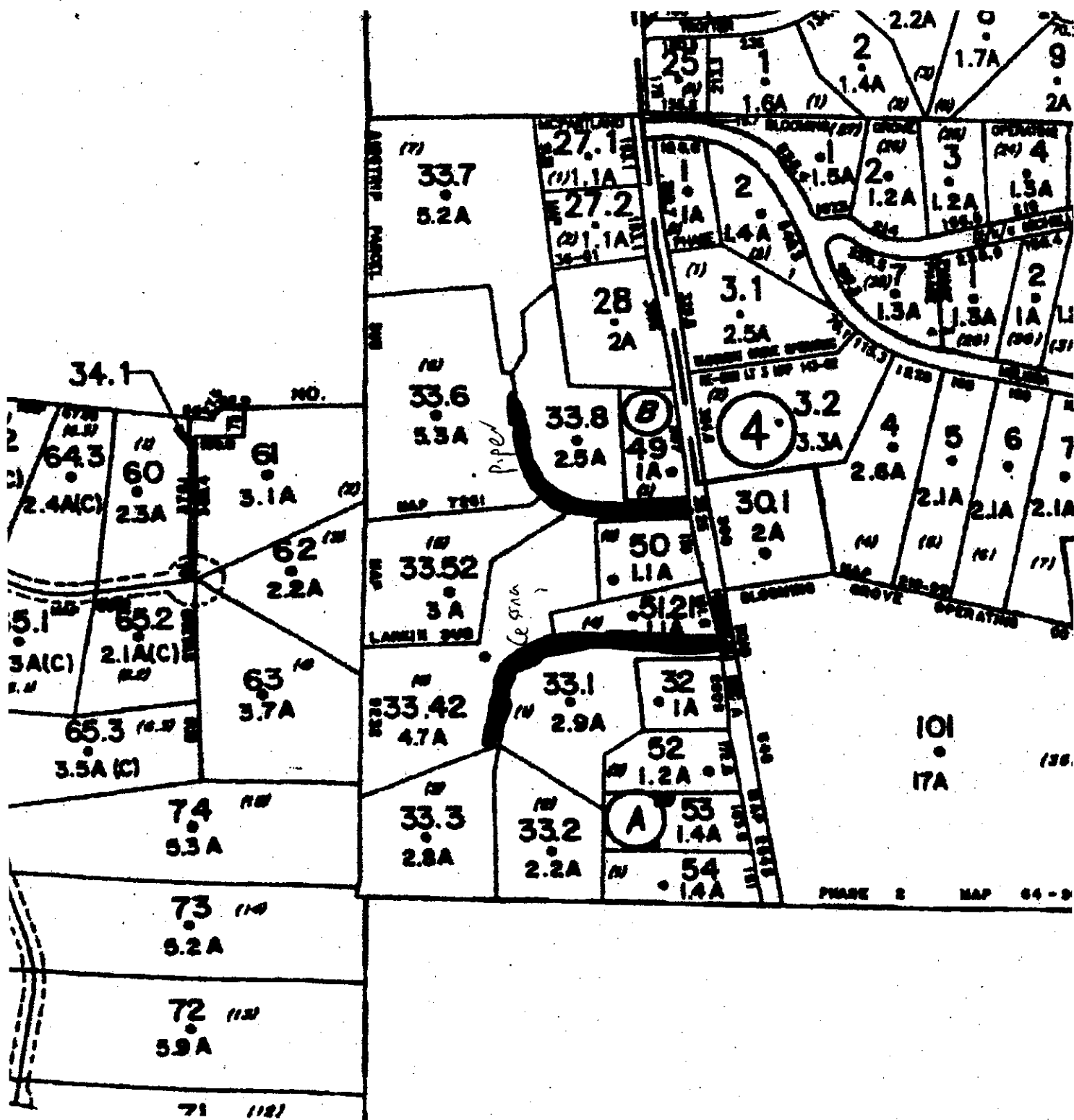
TOWN OF NEW WINDSOR  
PLANNING BOARD

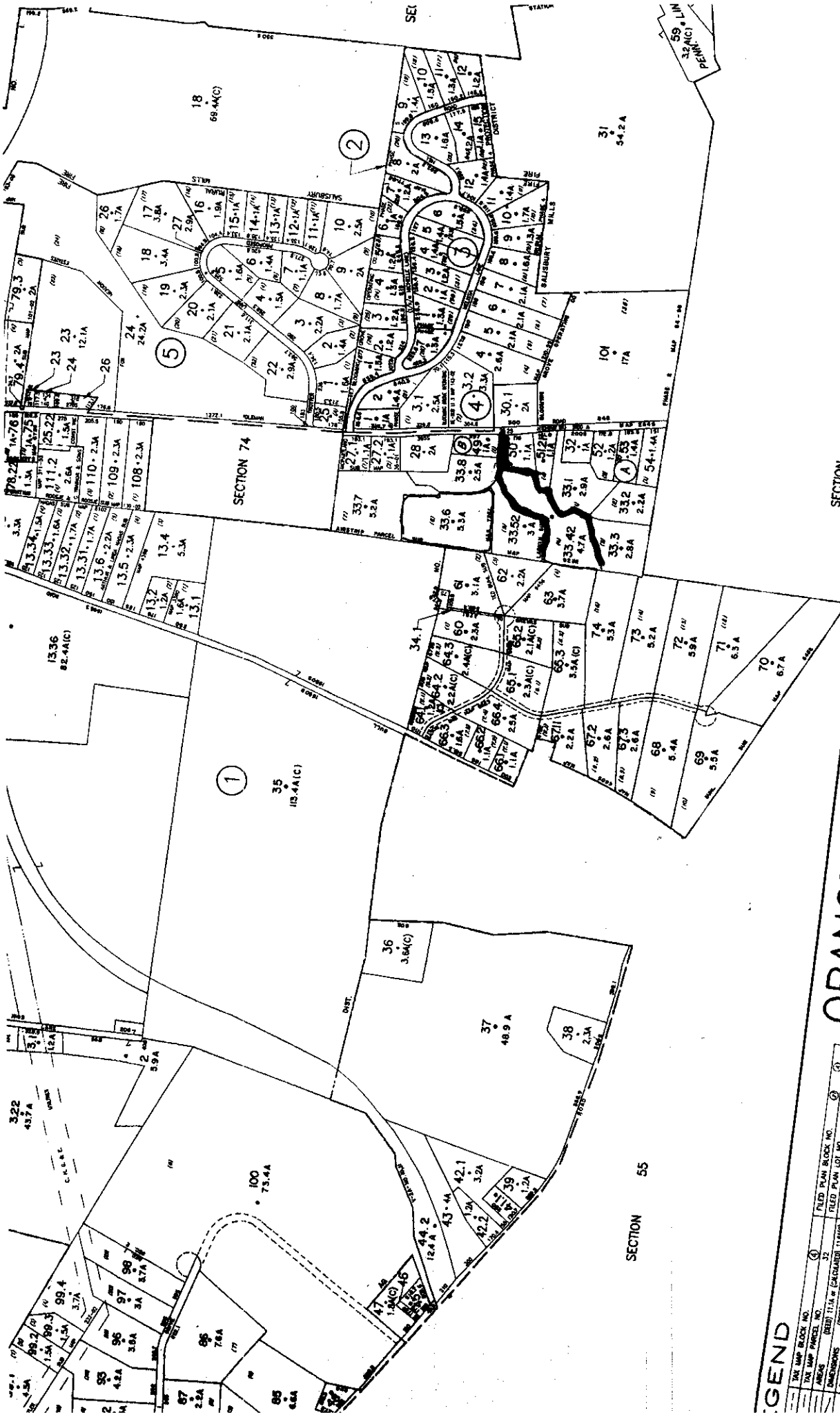


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cc: Genaro Argenio, Planning Board Chairman (via email)  
Dominick Cordisco, Esq., Attorney for the Planning Board (via email)

Larkin-David-Piper Drive Issue Letter 06-28-07.doc  
MJE/st

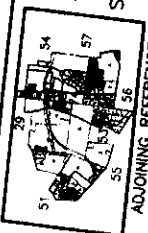




# ORANGE COUNTY-NEW YORK

Prepared by  
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NOTICE  
MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION  
OF ANY PORTION OF THE ORANGE COUNTY TAX  
MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION  
OF THE O.C. REAL PROPERTY TAX SERVICE AGENCY



33480  
TOWN OF NEW  
Scale 1" = 400'

GEND			
FILED MAP BLOCK NO.	4	FILED PLAN BLOCK NO.	6
FILED MAP PARCEL NO.	32	FILED PLAN LOT NO.	31
AREAS	(DEED) 11.4 = (CALCULATED) 11.40	STATE HIGHWAYS	(P. 2)
PROPORTION OF TAX LOT	(DEED) 68 = (CALCULATED) 78	COUNTY HIGHWAYS	(P. 2)
	P/O 1-1-1	COUNTY ROAD NO. 17	
		TOWN ROAD	
		TOWN ROAD 1	